

CITY COUNCIL REPORT



MEETING DATE: January 10, 2006

ITEM NO. 44 GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

DeAtley Residence - 13-AB-2005

REQUEST

Request to consider the following:

1. Abandon a 30-foot right-of-way along the eastern property boundary.
2. Abandon 10 feet of the 25-foot wide right-of-way along the northern property boundary.
3. Reserve a 20-foot water line easement along the eastern property frontage.
4. To adopt Resolution No. 6780 vacating and abandoning a public right-of-way.

Related Policies, References:

General Plan-Community Mobility Element
Shea Boulevard Policy

APPLICANT/OWNER

Neil DeAtley
480-614-8046

CONTACT

LOCATION

11350 E Arabian Park Drive

BACKGROUND

Zoning.

The site is zoned Single Family Residential District, Environmental Sensitive Lands Ordinance (R1-43 ESL)

Context.

The subject right-of-way was dedicated in January 1982. The right-of-way is unimproved and does not provide access to the subject lot as well as neighboring lots. This property abuts the 114th Street alignment. There are no plans to utilize that right-of-way for roadway. The main use of the metes and bound lots within this area is small ranches with livestock. The lot is developed with a single-family residence and multiple structures. There is an existing structure located to the rear of the main residence and within the right-of way along the eastern property boundary.

APPLICANT'S PROPOSAL

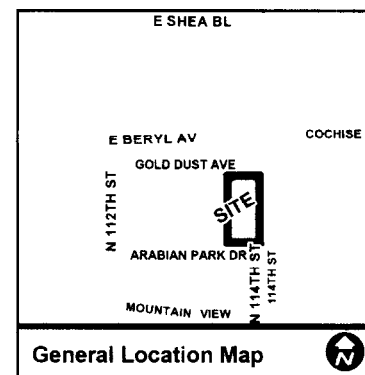
Goal/Purpose of Request.

This request is to abandon the right of way located along the north and eastern property boundaries.

Key Issues.

CITY IMPACT:

- Abandon:
 - A 30-foot right-of-way along the eastern property boundary.



- Ten feet of the 25 foot wide right-of-way along the northern property boundary
- Reserve: A 20-foot wide water line easement along the eastern property boundary.
- Maintains consistency with city street standards as approved by the City of Scottsdale.

NEIGHBORHOOD IMPACT:

- The abandonment of the right-of-way will have no significant impact on the neighborhood.
- The 15-feet of right of way along the north property frontage will remain and used for trail purposes.

PROPERTY OWNER IMPACT:

- Currently there is a building, fence and gate located within the right-of-way. The abandonment will allow these vertical structures to remain and conform to the ordinance.

Community Impact.

The surrounding properties all have access. There is no significant impact to the community as a result of this abandonment.

IMPACT ANALYSIS

Departmental Responses.

City Department/Division participants concur with this abandonment request. See Department Issues Checklist (Attachment #1).

Community Involvement.

The City installed signage at the roadway alignments alerting neighbors in the area of the request. Surrounding property owners within 750 feet have been notified by the applicant through first class mailing. There have been no general inquiries or comments at the time of writing this report.

OTHER BOARDS AND COMMISSIONS

Planning Commission.

The Planning Commission heard this case on October 19, 2005, during the expedited agenda.

RECOMMENDATION

Planning Commission recommended approval, 4-0.

RESPONSIBLE DEPT(S)

Planning and Development Services Department


STAFF CONTACT(S)

Greg Williams
Senior Planner
480-312-4205

Randy Grant
Chief Planning Officer
480-312-7995

E-mail: gwilliams@ScottsdaleAZ.gov E-mail: rgrant@ScottsdaleAZ.gov

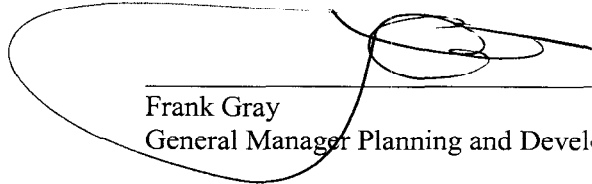
APPROVED BY



Randy Grant
Chief Planning Officer

11/21/05

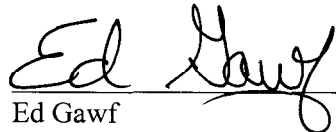
Date



Frank Gray
General Manager Planning and Development Services

11.21.05

Date



Ed Gawf
Deputy City Manager

11/28/05

Date

ATTACHMENTS

1. Departmental Checklist
2. Context Aerial
3. Detail Aerial
4. Easements and Right-of-Ways
5. Area Trails Plan
6. City Notification Map
7. October 19, 2005 Planning Commission Minutes
8. Resolution No. 6780

CASE 13-AB-2005

Department Issues Checklist

Transportation

☒ **Support**

Access for these parcels will be along Arabian Park Drive.

Trails

☒ **Support**

Gold Dust is shown on the Trails Plan as a trail alignment, 15-feet of the existing 25-foot right of way will be reserved for the trail alignment.

Public Utilities

☒ **Support**

All utility companies have sent letters of support for this abandonment request with no reservations. The City of Scottsdale Water Resources Department has requested a reservation for water services along the eastern property boundary.

Emergency/Municipal Services

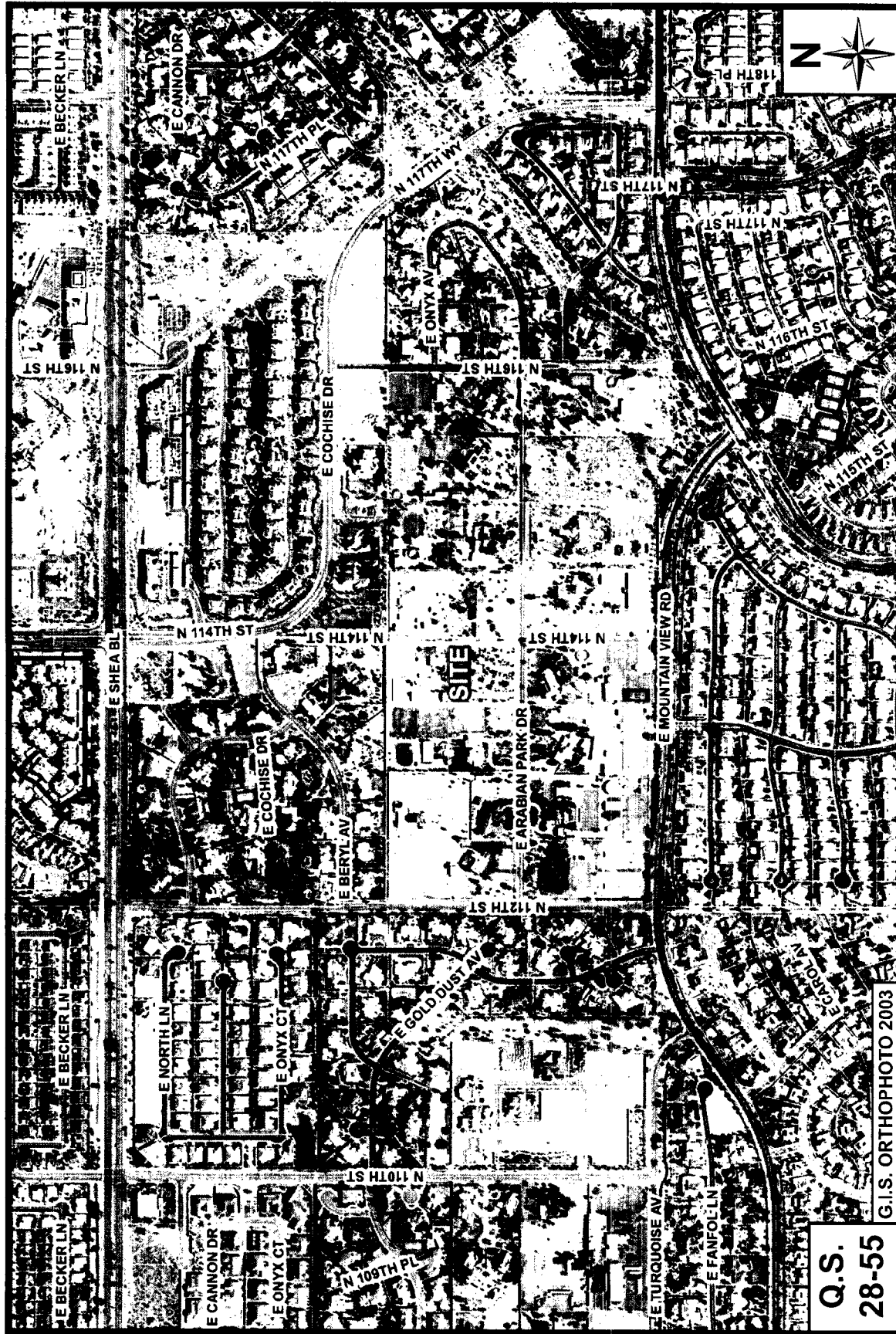
☒ **Support**

This request does not impact the ability to serve these properties or adjacent properties.

Water/Sewer Services

☒ **Support**

This request does not impact the ability to serve any properties in the surrounding areas. A 20-foot water line easement will be reserved along the eastern property frontage.



Q.S.
28-55

G.I.S. ORTHOPHOTO 2003

DeAtley Residence

13-AB-2005

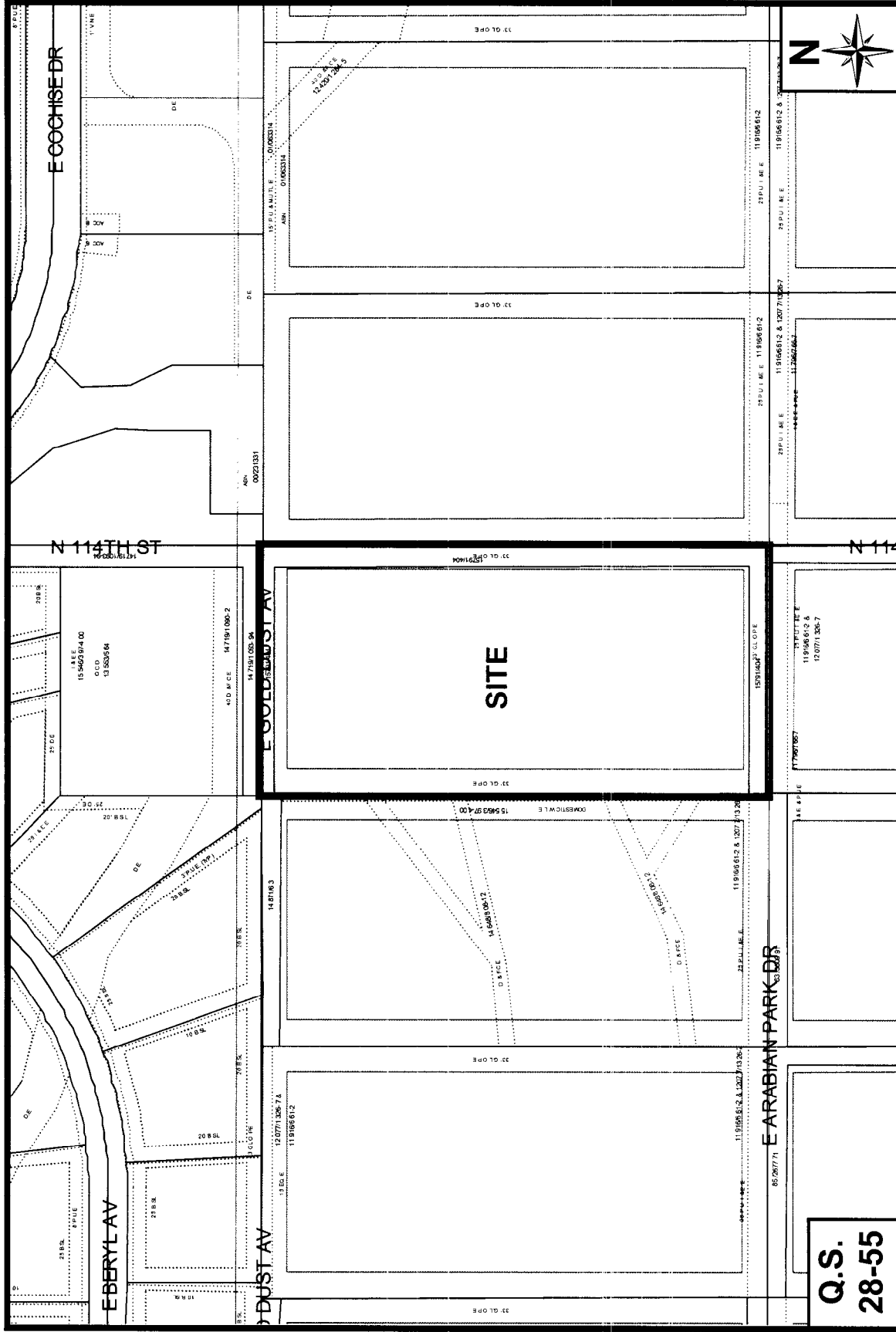
ATTACHMENT #2



DeAtley Residence

13-AB-2005

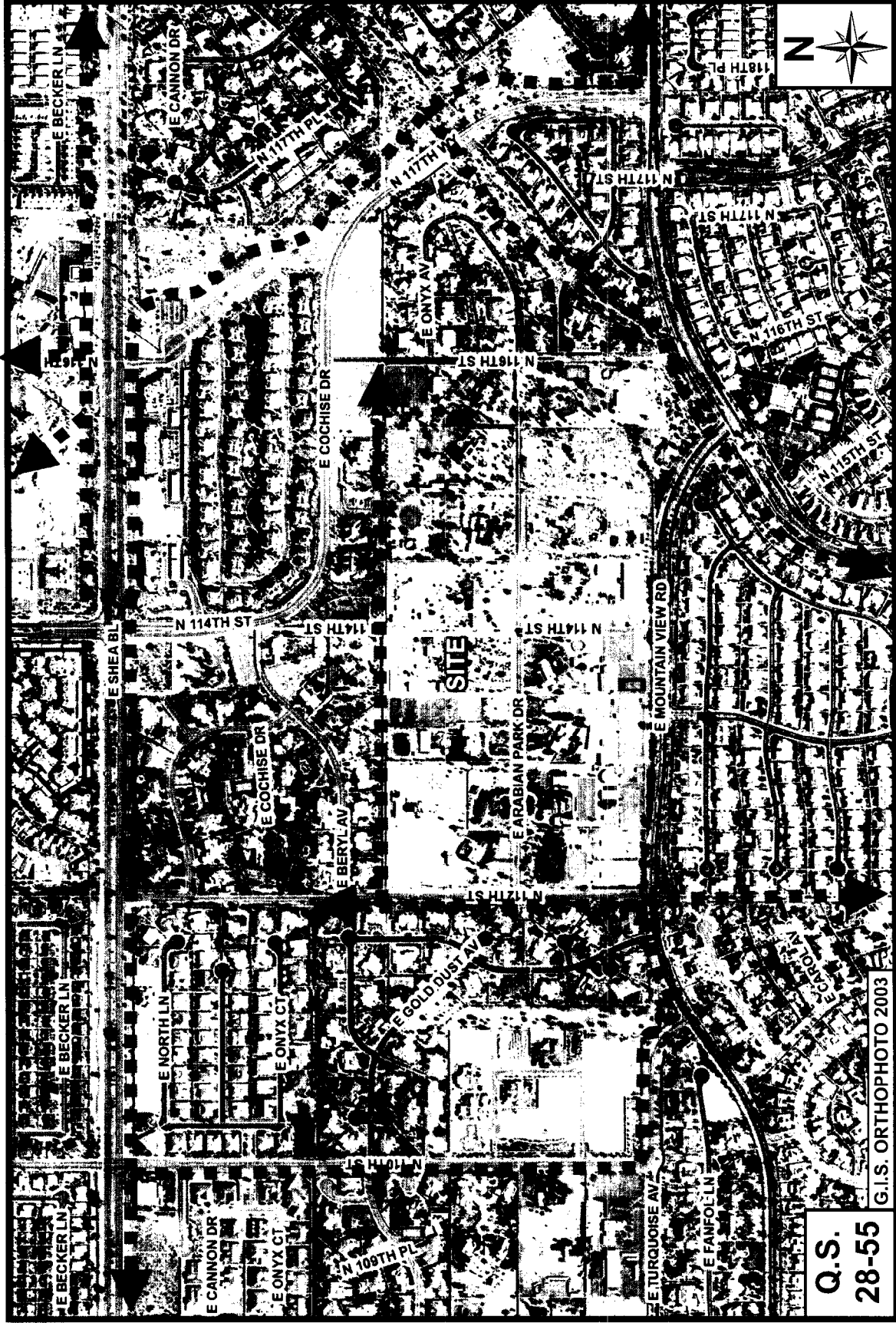
ATTACHMENT #3



13-AB-2005

DeAtley Residence

Easements & Right-of-Way
ATTACHMENT #4



13-AB-2005

ATTACHMENT #5

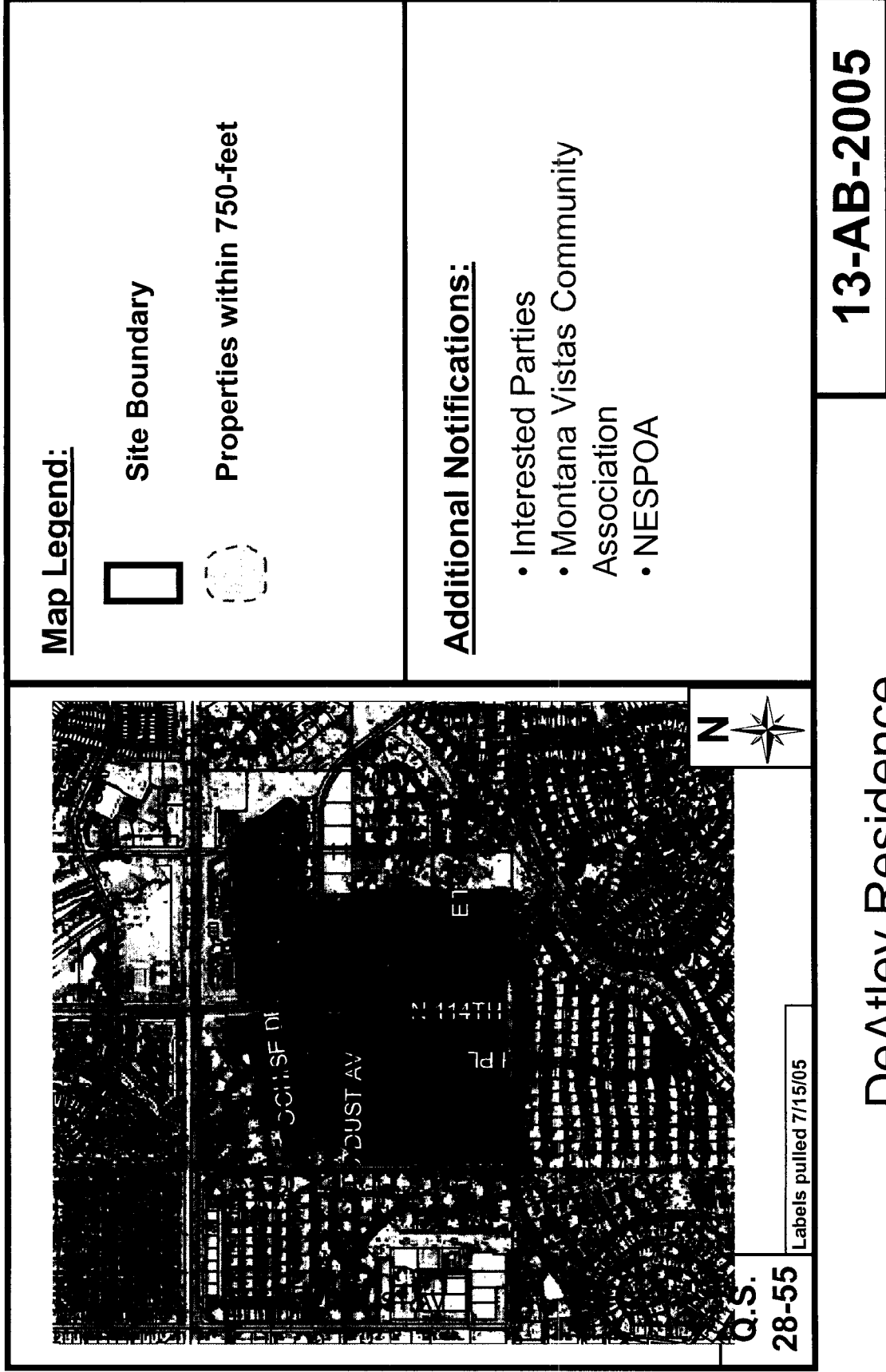
DeAtley Residence

Master Planned Trails

Q.S.
28-55

G.I.S. ORTHOPHOTO 2003

City Notifications – Mailing List Selection Map



CONTINUANCES

2. 15-ZN-2005 (Silverstone)
3. 13-UP-2005 (Scottsdale & Pinnacle Peak Mxd)
4. 15-AB-2004 (Biel Property)
5. 11-AB-2005 (Hettinger Abandonment)
6. 6-AB-2005 (Pinnacle Peak Place)
7. 7-AB-2005 (Pinnacle Peak Place)

COMMISSIONER SCHWARTZ MOVED TO CONTINUE CASE 15-ZN-2005 TO NOVEMBER 9TH, 2005; 13-UP-2005 TO THE NOVEMBER 9TH, 2005 MEETING; 15-AB-2004 TO A DATE TO BE DETERMINED; 11-AB-2005 TO NOVEMBER 9TH, 2005; 6-AB-2005 TO A DATE TO BE DETERMINED; 7-AB-2005 TO OCTOBER 26TH, 2005.

THE MOTION WAS SECONDED BY COMMISSIONER STEINKE AND CARRIED UNANIMOUSLY WITH A VOTE OF FOUR (4) TO ZERO (0).

EXPEDITED AGENDA

8. 5--UP-2004#2 (Jamacian Blue)
9. 13-AB-2005 (DeAtley Residence)
10. 15-AB-2005 (Schell GLO Abandonment)

Chairman Gulino confirmed that all questions by Commissioners regarding case number 15-AB-2005 had been answered satisfactorily.

Mr. Spiro requested a staff presentation. Mr. Williams presented the case per the staff packet, reiterating that the Applicant has agreed to maintain the northern boundary easement and is no longer seeking abandonment of that portion of the property.

Leon Spiro, addressed the Commission and Ms. Bronski, expressing his opinions and opposition to approval of GLO abandonments.

Upon invitation by Chairman Gulino, Ms. Bronski recalled a presentation to City Council by outside counsel that was requested by Mr. Spiro and noted that as a result, Council renewed their policy of investigating and considering, on a case-by-case basis, whether or not to abandon GLO easements. She reminded Commissioners that this is the directive received from Council.

Chairman Gulino reiterated that the purpose of the Planning Commission is to discuss the land use issues associated with the abandonments; not the legal

issues. Ms. Bronski confirmed that it is the purview of the Council to consider the legal issues.

Upon no further comments or questions,

COMMISSIONER SCHWARTZ MOVED TO APPROVE CASE 5-UP-2004#2 BECAUSE IT MEETS THE SPECIAL USE REQUIREMENTS; CASE 13-AB-2005 AND CASE 15-AB-2005. THE MOTION WAS SECONDED BY COMMISSIONER STEINKE AND CARRIED UNANIMOUSLY WITH A VOTE OF FOUR (4) TO ZERO (0).

WRITTEN COMMUNICATION

None.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission adjourned at 5:15 p.m.

Respectfully submitted,
AV-Tronics, Inc.

APPROVED

RESOLUTION NO. 6780

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ABANDONING A PORTION OF THE PUBLIC RIGHT-OF-WAY FOR 114TH STREET BETWEEN GOLD DUST AVENUE AND ARABIAN PARK DRIVE AND FOR GOLD DUST AVENUE WEST OF 114TH STREET

(13-AB-2005)

WHEREAS:

A. A.R.S. § 28-7201, et seq. provide that a city may dispose of a roadway or portion thereof when said property or portion thereof is no longer necessary for public use.

B. After notice to the public, hearings have been held before the Planning Commission and Council of the City of Scottsdale ("City") on the proposed abandonment of the street right-of-way as described on Exhibit "A" attached hereto the "Abandonment Right-of-way".

C. The City Council finds that the Abandonment Right-of-way is no longer necessary for public use.

D. The City Council finds that consideration and other public benefit commensurate with the value of the property, giving due consideration to its degree of fragmentation and marketability, will be provided to the City by the owner of the abutting property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Scottsdale, Arizona, as follows:

1. Abandonment. Subject to the reservations below, the Abandonment Right-of-way is abandoned as public street right-of-way.

2. Reservations. All of the following interests are reserved to City and excluded from this abandonment:

2.1 A water line easement upon the east thirty (30) feet of the Abandonment Right-of-way.

2.2 Any N.V.A.E. or other non-vehicular access easement or covenant in favor of the City that may already affect the Abandonment Right-of-way prior to this resolution.

2.3 Any N.A.O.S. or other open space easement or covenant in favor of the City that may already affect the Abandonment Right-of-way prior to this resolution.

2.4 An easement for all existing utilities.

2.5 Such rights and interests, if any, as are required to be reserved by A.R.S. Sec. 28-7210 and A.R.S. Sec. 28-7215.

PASSED AND ADOPTED by the Council of the City of Scottsdale this ____ day of _____, 2006.

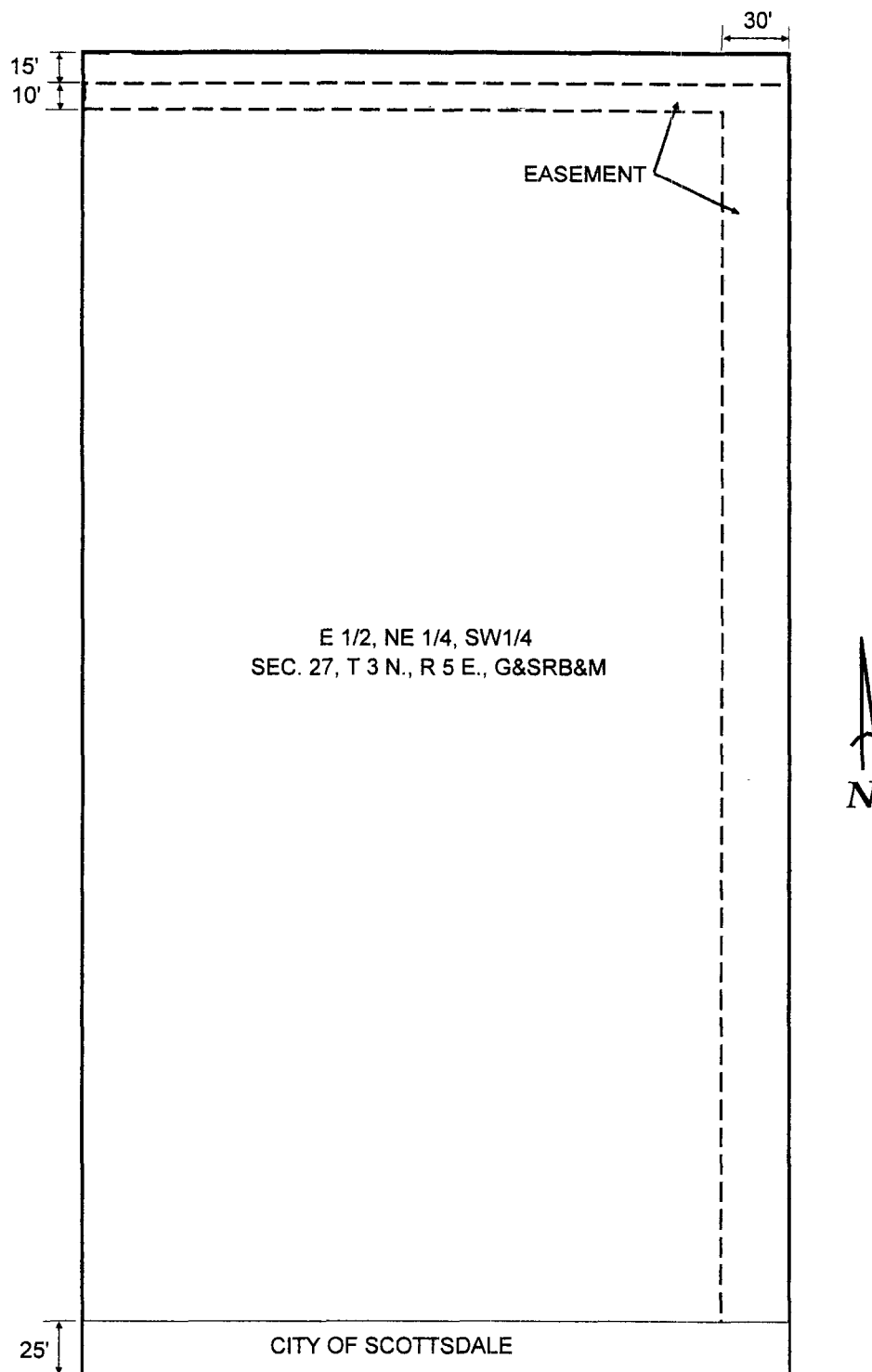
Mary Manross, Mayor

ATTEST:

By: _____
Carolyn Jagger, City Clerk

APPROVED AS TO FORM:

By: 
Deborah W. Robberson, City Attorney



PROPOSED ABANDONMENT

THE SOUTH 10 FEET OF THE NORTH 25 FEET AND THE EAST 30 FEET, EXCEPT THE NORTH 15 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 NORTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUTNY, ARIZONA

EXHIBIT A